

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL J. WAPPLER,

Plaintiff,

v.

MATTHEW J. BREVARD, *et al.*,

Defendant.

Case No. 4:05-CV-90

Hon. Richard Alan Enslen

ORDER

Plaintiff Michael J. Wappler has filed an appeal regarding United States Magistrate Ellen S. Carmody's Order of April 5, 2006, which granted him enlargement until April 28, 2006 to serve Defendants Dale Hulbert and Karen Tucker with the aid of the United States Marshals Service. Plaintiff has objected because, according to him, the United States Marshals Service has been unable to serve said Defendants and he is prohibited by policy from obtaining information regarding said Defendants' personal or work addresses and cannot otherwise make service.

Pursuant to 28 U.S.C. § 636(b)(1)(A), an appeal of a pretrial order of a Magistrate Judge is to be granted only to correct rulings which are "clearly erroneous" or "contrary to law." *See Anderson v. Bessemer City*, 470 U.S. 564, 573 (1985). In the present case, the ruling is neither since it was well within the United States Marshals Service's power to make service even without additional information from Plaintiff. Furthermore, should the Summons and Complaint again be returned unexecuted, Plaintiff is free to seek future relief, including an order directing the Michigan Department of Corrections officials to provide, under seal, address information to the United States Marshals Service to facilitate service.

THEREFORE, IT IS HEREBY ORDERED that Plaintiff Michael J. Wappler's Objection (Dkt. No. 52) is **DENIED** and said Order (Dkt. No. 46) is **AFFIRMED**.

DATED in Kalamazoo, MI:
May 15, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE